

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:
THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS

(Jointly Administered)

INFORMATIVE MOTION REGARDING FILINGS
RESPONSIVE TO CLAIM OBJECTIONS WITH NO OBJECTIONS ON FILE

To the Honorable United States District Court Judge Laura Taylor Swain:

The Commonwealth of Puerto Rico (the “Commonwealth”), the Puerto Rico Highways and Transportation Authority (“HTA”), and the Employees Retirement System for the Government of the Commonwealth of Puerto Rico (“ERS,” and together with the Commonwealth and HTA, the “Debtors”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as representative for the Commonwealth, HTA, and ERS pursuant to Section 315(b) of the Puerto Rico Oversight, Management and Economic Stability Act (“PROMESA”),² hereby respectfully state the following:

1. On January 30, 2020, the Court issued the *Order Regarding Filings Responsive to*

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”, and together with the Commonwealth, COFINA, HTA, ERS, and PREPA, the “Debtors”) (Bankruptcy Case No. 19-BK-5532-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² PROMESA has been codified at 48 U.S.C. §§ 2101-2241.

Claim Objections with No Objection on File [ECF No. 10550] (the “Order”), addressing certain filings, referenced in Appendix I of the Order (collectively, the “Responses”), made by certain individuals (collectively, the “Respondents”). The Court observed that certain of the Responses purported to respond to omnibus claim objections filed by the Debtors, but the Respondents do not appear to have filed proofs of claim. The Court further observed that certain Responses reference proofs of claim not subject to any pending omnibus objection to claims. The Order required the Oversight Board to file an informative motion “indicating what action it has taken or intends to take with respect to the Responses.” Order at 2.

2. With respect to Responses filed by Respondents who have not filed proofs of claim, it appears that the Respondents may have intended to file a new proof of claim. In light of that, the Debtors intend to direct Prime Clerk to treat such Responses as late-filed proofs of claim and to log such Responses into the claims registry for the Commonwealth’s Title III Case, without prejudice to the Debtors’ right to argue that any claims so logged are late-filed and should be disallowed pursuant to the terms of the *Order (A) Establishing Deadlines and Procedures for Filing Proofs of Claim and (B) Approving Form and Manner of Notice Thereof* [ECF No. 2521]. To the extent that future filings which purport to be responses to claim objections are filed by individuals who have not filed proofs of claim, the Debtors intend to treat all such filings in the same manner.

3. With respect to Responses that reference proofs of claim not subject to any pending objection, the Respondents in question appear to have submitted documentation to the Court in an attempt to provide further evidence in support of their claims. Accordingly, the Debtors intend to direct Prime Clerk to append the documentation included in such Responses to the proofs of claim filed by the Respondents. The Debtors intend to treat all future filings which purport to be responses to claim objections, but which reference proofs of claim as to which no objection has been interposed, in the same manner.

Dated: February 19, 2020

Respectfully submitted,

San Juan, Puerto Rico

/s/ Hermann D. Bauer

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